

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF LOUISVILLE	)	
GAS AND ELECTRIC COMPANY FOR AN	)	CASE NO.
ADJUSTMENT OF ITS ELECTRIC AND GAS	)	2018-00295
RATES	)	

ORDER

Before the Commission are requests to intervene filed by Teresa Miller. Ms. Miller requests intervention in this matter and in Case No. 2018-00294,<sup>1</sup> involving Kentucky Utilities Company's (KU) rate application. Ms. Miller states that she opposes the request from Louisville Gas and Electric Company (LG&E) to increase rates. LG&E has filed a response objecting to the intervention request.

Having reviewed the request for intervention and being otherwise sufficiently advised, the Commission finds that the only person entitled to intervene as a matter of right is the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), pursuant to KRS 367.150(8)(b). The Attorney General petitioned for full intervenor status in this case, noting in his motion that KRS 367.150(8) "grants him the right and obligation to appear before regulatory bodies of the Commonwealth of Kentucky to represent consumers' interests."<sup>2</sup> The Attorney General's

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<sup>1</sup> Case No. 2018-00294, *Electronic Application of Kentucky Utilities Company for an Adjustment of its Electric Rates* (filed Sept. 28, 2018).

<sup>2</sup> Attorney General's Motion to Intervene at 1.

petition was granted by the Commission's Order dated October 15, 2018. Intervention by all others is permissive and is within the sound discretion of the Commission.<sup>3</sup>

In exercising its discretion to determine permissive intervention, the Commission follows its regulation, 807 KAR 5:001, Section 4(11). That regulation requires a person seeking intervention to file a request stating that person's interest in the proceeding. That regulation further provides that:

The commission shall grant a person leave to intervene if the commission finds that he has made a timely motion for intervention and that he has a special interest in the case that is not otherwise adequately represented or that his intervention is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.<sup>4</sup>

It is under these statutory and regulatory criteria that the Commission reviews a motion to intervene.

The Commission finds that Ms. Miller does not articulate a special interest in this proceeding, only a general interest that she shares in common with all other LG&E customers. In addition, Ms. Miller has not shown that she is likely to present issues or to develop facts that will assist the Commission in resolving this matter. Regarding Ms. Miller's status as utility customers of LG&E,<sup>5</sup> the Commission finds that the Attorney General, pursuant to KRS 367.150(8), will duly represent the interests of all LG&E

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<sup>3</sup> *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

<sup>4</sup> 807 KAR 5:001, Section 4(11)(b).

<sup>5</sup> We note that Ms. Miller also requested to intervene in Case No. 2018-00294, which involves KU's rate application. Thus, Ms. Miller has failed to make a showing that she is a LG&E customer and her request for intervention is further denied for this reason.

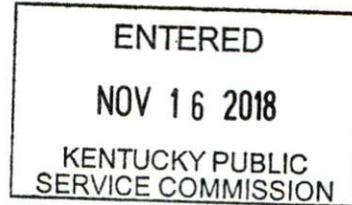
customers in this matter. Because the requisites of 807 KAR 5:001, Section 3(8), have not been satisfied, the Commission will deny Ms. Miller's request for intervention.

Ms. Miller will have ample opportunity to participate in this even though she is not granted intervenor status. Ms. Miller can review all public documents filed in this case and monitor the proceedings via the Commission's website. In addition, Ms. Miller may file comments as frequently as she chooses, and those comments will be entered into the record of this case. Finally, if a formal evidentiary hearing is held, Ms. Miller will be provided an opportunity to present any information that she wishes for the Commission's consideration in this matter.

IT IS THEREFORE ORDERED that Ms. Miller's request to intervene is denied.

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By the Commission



ATTEST:

  
Executive Director

\*Honorable Allyson K Sturgeon  
Senior Corporate Attorney  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KENTUCKY 40202

\*Hannah Wigger  
Sheppard Mullin Richter & Hampton LLP  
2099 Pennsylvania Avenue NW, Suite 1  
Washington, DISTRICT OF COLUMBIA 20006

\*Larry Cook  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*William H May, III  
Hurt, Deckard & May  
The Equus Building  
127 West Main Street  
Lexington, KENTUCKY 40507

\*Jody Kyler Cohn  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OHIO 45202

\*Laurence J Zielke  
Zielke Law Firm PLLC  
1250 Meidinger Tower  
462 South Fourth Avenue  
Louisville, KENTUCKY 40202

\*Barry Alan Naum  
Spilman Thomas & Battle, PLLC  
1100 Brent Creek Blvd., Suite 101  
Mechanicsburg, PENNSYLVANIA 17050

\*Janice Theriot  
Zielke Law Firm PLLC  
1250 Meidinger Tower  
462 South Fourth Avenue  
Louisville, KENTUCKY 40202

\*Mark E Heath  
Spilman Thomas & Battle, PLLC  
300 Kanawha Blvd, East  
Charleston, WEST VIRGINIA 25301

\*Carrie M Harris  
Spilman Thomas & Battle, PLLC  
1100 Brent Creek Blvd., Suite 101  
Mechanicsburg, PENNSYLVANIA 17050

\*Justin M. McNeil  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*Michael J O'Connell  
Jefferson County Attorney  
600 West Jefferson St., Suite 2086  
Louisville, KENTUCKY 40202

\*Don C A Parker  
Spilman Thomas & Battle, PLLC  
1100 Brent Creek Blvd., Suite 101  
Mechanicsburg, PENNSYLVANIA 17050

\*Honorable Kurt J Boehm  
Attorney at Law  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OHIO 45202

\*Honorable Michael L Kurtz  
Attorney at Law  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OHIO 45202

\*Emily W Medlyn  
General Attorney  
U.S. Army Legal Services Agency Regul  
9275 Gunston Road  
Fort Belvoir, VIRGINIA 22060

\*Honorable Kendrick R Riggs  
Attorney at Law  
Stoll Keenon Ogden, PLLC  
2000 PNC Plaza  
500 W Jefferson Street  
Louisville, KENTUCKY 40202-2828

\*Honorable Matthew R Malone  
Attorney at Law  
Hurt, Deckard & May  
The Equus Building  
127 West Main Street  
Lexington, KENTUCKY 40507

\*G. Houston Parrish  
Labor Law Attorney  
Office of the Staff Judge Advocate, B  
50 3rd Avenue  
Fort Knox, KENTUCKY 40121

\*Kent Chandler  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*Paul Werner  
Sheppard Mullin Richter & Hampton LLP  
2099 Pennsylvania Avenue NW, Suite 1  
Washington, DISTRICT OF COLUMBIA 20006

\*Rebecca W Goodman  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*Honorable Robert C Moore  
Attorney At Law  
Stites & Harbison  
421 West Main Street  
P. O. Box 634  
Frankfort, KENTUCKY 40602-0634

\*Robert M Conroy  
Director, Rates  
Louisville Gas and Electric Company  
220 W. Main Street  
P. O. Box 32010  
Louisville, KY 40202

\*Louisville Gas and Electric Company  
220 W. Main Street  
P. O. Box 32010  
Louisville, KY 40232-2010

\*Louisville Gas and Electric Company  
220 W. Main Street  
P. O. Box 32010  
Louisville, KY 40232-2010

\*M. Todd Osterloh  
Sturgill, Turner, Barker & Moloney, PLLC  
333 West Vine Street  
Suite 1400  
Lexington, KENTUCKY 40507